

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 24498 of 2011

Date of Decision: 5.2.2015

Amar Singh and Another

... Petitioner(s)

Versus

The Financial Commissioner, Haryana and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Rajan Gupta.

Present: Mr. Yogesh Chaudhary, Advocate
for the petitioner(s).

Mr. Saurabh Mohunta, Deputy Advocate
General, Haryana for respondents No.1 to 4.

Mr. Sandeep Punchhi, Advocate
for respondent No.5.

Rajan Gupta, J.

Petitioners are aggrieved by order passed by the Financial
Commissioner, Haryana. Operative portion whereof reads as under:-

“5. Having heard the arguments and perusing the relevant record, I find that the orders have been passed by the Assistant Collector 1st Grade after considering all the contentions raised by the petitioners. A reading of the order passed in appeal by Collector, Karnal also shows that the issue of jurisdiction and payment of rent etc. have been raised before him and these were considered and decided by him in detail. I find that the orders passed by the lower revenue courts are based on facts and law. All the issues raised have been fully considered and decided. In these circumstances, I

find no justification for interference in the orders passed by the lower revenue courts and the same are upheld. Finding no merit, the revision petition is dismissed.”

Order has been assailed on the ground that the authority has given no finding on the issue of revenue court to decide the matter regarding eviction of the petitioners. According to counsel, order is silent on the jurisdictional issue. Besides, law laid down in **Ramesh Gobindram (dead) through LRs v. Sugra Humayun Mirza Wakf** reported as **2010 AIR (SC) 2897** has not been considered by the Financial Commissioner. He, thus, prays that order be set aside and matter be remitted to the same authority for decision afresh. Aforesaid plea is not opposed by counsel representing respondent No.5.

Under the circumstances, I deem it fit to set aside order dated 14.6.2011 (Annexure P13) passed by respondent No.1. Matter is remitted to the same authority for decision afresh after affording opportunity of hearing to the parties concerned. Financial Commissioner shall endeavour to decide the issue as expeditiously as possible.

Petition is allowed in these terms.

(Rajan Gupta)
Judge

February 5, 2015

“DK”